

Senate Engrossed

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 157

# **SENATE BILL 1294**

AN ACT

AMENDING SECTIONS 13-1501 AND 13-2110, ARIZONA REVISED STATUTES; RELATING TO  
CREDIT CARD FRAUD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1501, Arizona Revised Statutes, is amended to  
3 read:

4 13-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Critical public service facility" means:

7 (a) A structure or fenced yard that is posted with signage indicating  
8 it is a felony to trespass or signage indicating high voltage or high  
9 pressure and is used by a rail, bus, air or other mass transit provider, a  
10 public or private utility, any municipal corporation, city, town or other  
11 political subdivision that is organized under state law and that generates,  
12 transmits, distributes or otherwise provides natural gas, liquefied petroleum  
13 gas, electricity or a combustible substance for a delivery system that is not  
14 a retail-only facility, a telecommunications carrier or telephone company, a  
15 municipal provider as defined in section 45-561, a law enforcement agency, a  
16 public or private fire department or an emergency medical service provider.

17 (b) A structure or fenced yard or any equipment or apparatus that is  
18 posted with signage indicating it is a felony to trespass or signage  
19 indicating high voltage or high pressure and is used to manufacture, extract,  
20 transport, distribute or store gas, including natural gas or liquefied  
21 petroleum gas, oil, electricity, water or hazardous materials, unless it is a  
22 retail-only facility.

23 2. "Enter or remain unlawfully" means an act of a person who enters or  
24 remains on premises when the person's intent for so entering or remaining is  
25 not licensed, authorized or otherwise privileged except when the entry is to  
26 commit theft of merchandise displayed for sale during normal business hours,  
27 when the premises are open to the public and when the person does not enter  
28 any unauthorized areas of the premises.

29 3. "Entry" means the intrusion of any part of any instrument or any  
30 part of a person's body inside the external boundaries of a structure or unit  
31 of real property.

32 4. "Fenced commercial yard" means a unit of real property that is  
33 surrounded completely by fences, walls, buildings or similar barriers, or any  
34 combination of fences, walls, buildings or similar barriers, and that is  
35 zoned for business operations or where livestock, produce or other commercial  
36 items are located.

37 5. "Fenced residential yard" means a unit of real property that  
38 immediately surrounds or is adjacent to a residential structure and that is  
39 enclosed by a fence, wall, building or similar barrier or any combination of  
40 fences, walls, buildings or similar barriers.

41 6. "Fenced yard" means a unit of real property that is surrounded by  
42 fences, walls, buildings or similar barriers or any combination of fences,  
43 walls, buildings or similar barriers.

1           7. "In the course of committing" means any acts that are performed by  
2 an intruder from the moment of entry to and including flight from the scene  
3 of a crime.

4           8. "Manipulation key" means a key, device or instrument, other than a  
5 key that is designed to operate a specific lock, that can be variably  
6 positioned and manipulated in a vehicle keyway to operate a lock or cylinder,  
7 including a wiggle key, jiggle key or rocker key.

8           9. "Master key" means a key that operates all the keyed locks or  
9 cylinders in a similar type or group of locks.

10          10. "Nonresidential structure" means any structure other than a  
11 residential structure and includes a retail establishment.

12          11. "Residential structure" means any structure, movable or immovable,  
13 permanent or temporary, that is adapted for both human residence and lodging  
14 whether occupied or not.

15          12. "Structure" means ANY DEVICE THAT ACCEPTS ELECTRONIC OR PHYSICAL  
16 CURRENCY AND THAT IS USED TO CONDUCT COMMERCIAL TRANSACTIONS, any vending  
17 machine or any building, object, vehicle, railroad car or place with sides  
18 and a floor that is separately securable from any other structure attached to  
19 it and that is used for lodging, business, transportation, recreation or  
20 storage.

21          13. "Vending machine" means a machine that dispenses merchandise or  
22 service through the means of currency, coin, token, credit card or other  
23 nonpersonal means of accepting payment for merchandise or service received.

24          Sec. 2. Section 13-2110, Arizona Revised Statutes, is amended to read:

25          13-2110. Unlawful possession or use of scanning device or  
26 reencoder; classification

27          A. It is unlawful for a person to use a scanning device or reencoder  
28 without the permission of the cardholder of the credit card from which the  
29 information is being scanned or reencoded and with the intent to defraud the  
30 cardholder, the issuer or a merchant.

31          B. It is unlawful for a person to intentionally or knowingly make or  
32 possess with the intent to commit fraud any device, apparatus, equipment,  
33 software, article, material, good, property or supply that is specifically  
34 designed or adapted for use as or in a scanning device or a reencoder.

35          C. Subsection B OF THIS SECTION does not apply to peace officers or  
36 prosecutors in the performance of their duties.

37          D. A person who violates this section is guilty of a class 6— 4  
38 felony.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House May 7, 2016,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]  
Speaker of the House

Jim Drake  
Chief Clerk of the House

Passed the Senate February 29, 2016,

by the following vote: 26 Ayes,

4 Nays, 0 Not Voting

[Signature]  
President of the Senate

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of May, 2016,

at 10:07 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:05 o'clock A. M.

[Signature]  
Governor of Arizona

S.B. 1294

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of May, 2016

at 10:17 o'clock A. M.

Michelle Reagan  
Secretary of State